

Notice of Allowability

Application No.

10/731,052

Examiner

Jeffrey Sharp

Applicant(s)

BARINA ET AL.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/18/2005.
2. ☒ The allowed claim(s) is/are 1-6 and 14-18.
3. ☒ The drawings filed on 18 March 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

This action is responsive to Applicant's remarks/amendment filed on 18 March 2005 with regard to the Official Office action mailed on 22 December 2004.

Status of the Claims

- [1] Claims 1-6 and 14-18 are allowed
- Applicant has canceled claims 7-13.

Drawings

- [2] The drawings were previously objected for informalities. In view of Applicant's replacement drawings submitted on 18 March 2005, all previous objections to the drawings have been withdrawn. Accordingly, the changes have been entered into the record. It appears no new matter has been entered.

Specification

- [3] The disclosure was previously objected to for informalities. Applicant has successfully addressed these issues in a telephonic interview with Jim Boice on Monday, 28 February 2005. Accordingly, the objection to the specification has been withdrawn.

Response to Arguments

Art Unit: 3677

[4] In a telephonic interview with Jim Boice on Monday, 28 February 2005, Applicant was successful in addressing the issues outlined in the Office Action mailed 22 December 2004. All arguments have been fully considered and are persuasive.

[5] The rejection of claim 7 under 35 U.S.C. 102(b) as being anticipated by Mita et al. US-6,206,606 has been withdrawn.

[6] The rejection of claims 1-4, 6, 10-11 under 35 U.S.C. 103(a) as being unpatentable over Mita et al. US-6,206,606 in view of Gordon US-6,474,921 and Coules US-4,007,516 has been withdrawn.

[7] The rejection of claims 5, 12, and 13 under 35 U.S.C. 103(a) as being unpatentable over Mita et al. US-6,206,606 in view of Gordon US-6,474,921, Coules US-4,007,516, and Kelly et al. US-6,394,724 has been withdrawn.

[8] The rejection of claims 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Mita et al. US-6,206,606 in view of Coules US-4,007,516 has been withdrawn.

Allowable Subject Matter

[9] Claims 1-6 and 14-18 are allowed.

After further consideration, the prior art of record does not fairly suggest each and every limitation found in the independent claims 1 and 14.

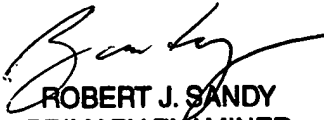
Conclusion

[10] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Sharp whose telephone number is (571) 272-7074. The examiner can normally be reached on 5:30 am - 4:00 pm Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAS


ROBERT J. SANDY
PRIMARY EXAMINER

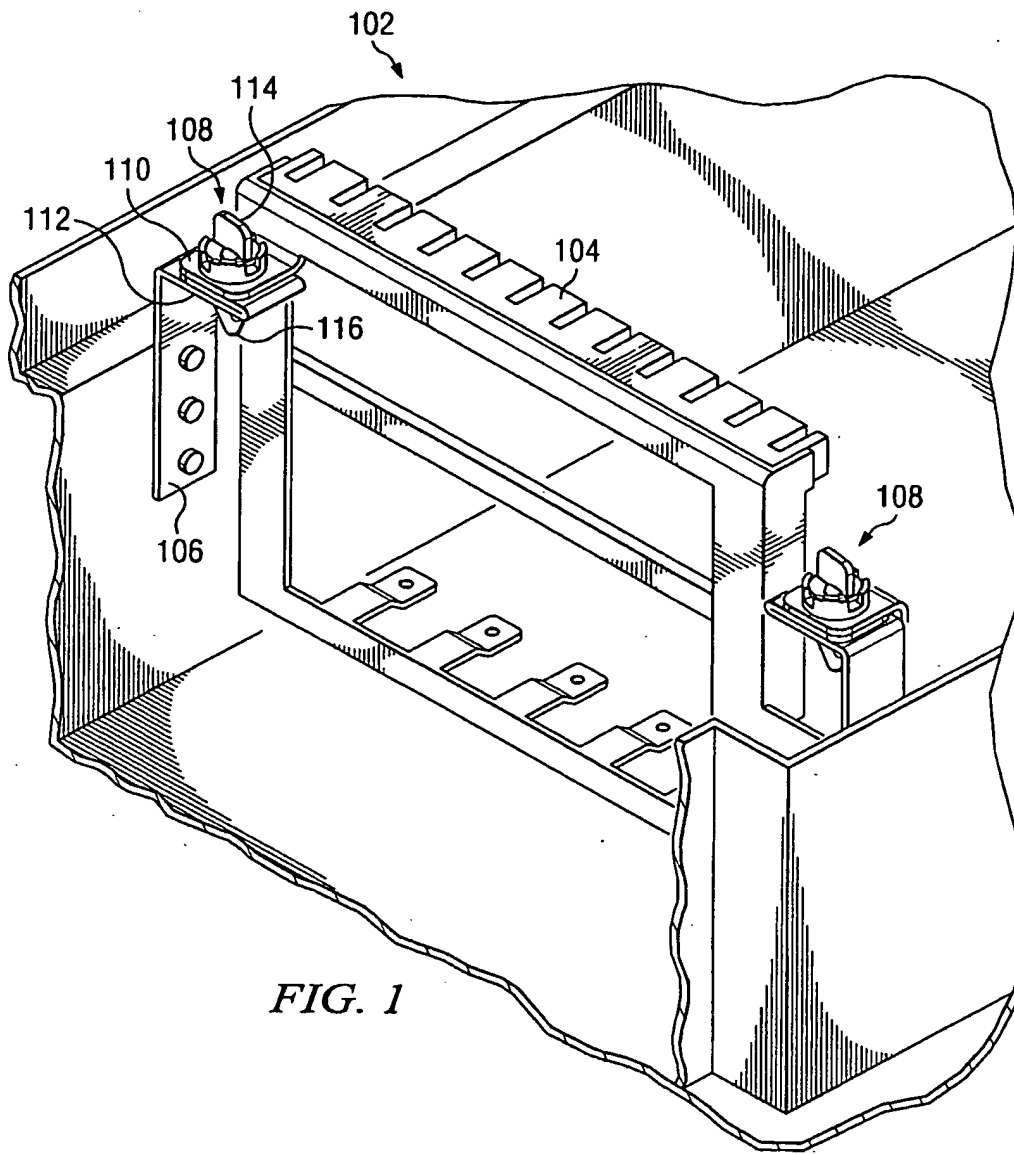
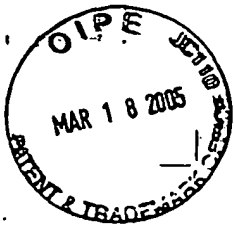


FIG. 1

-- APPROVED BY EXAMINER --
4/18/05
[Signature]

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FIG. 2a

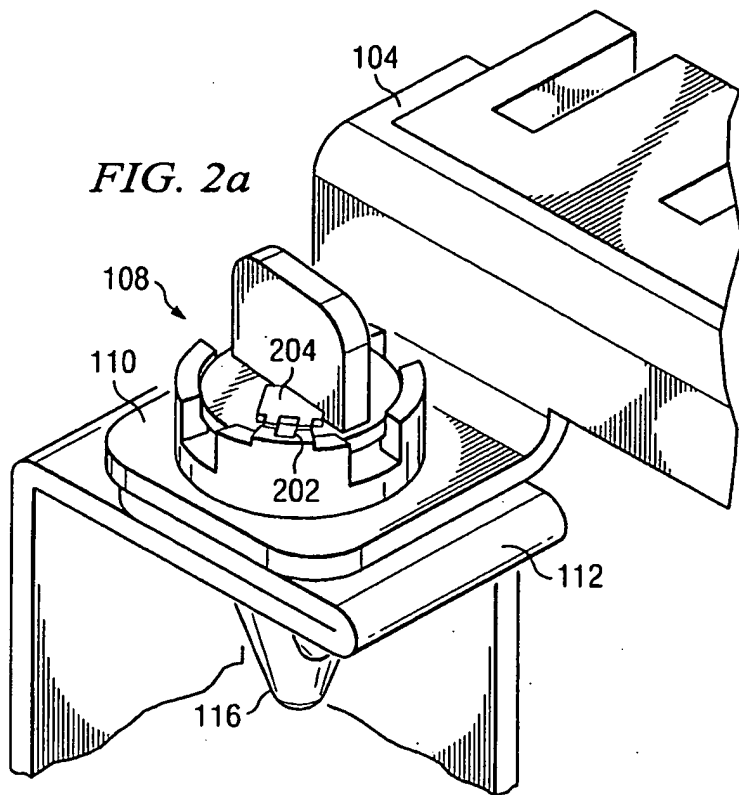
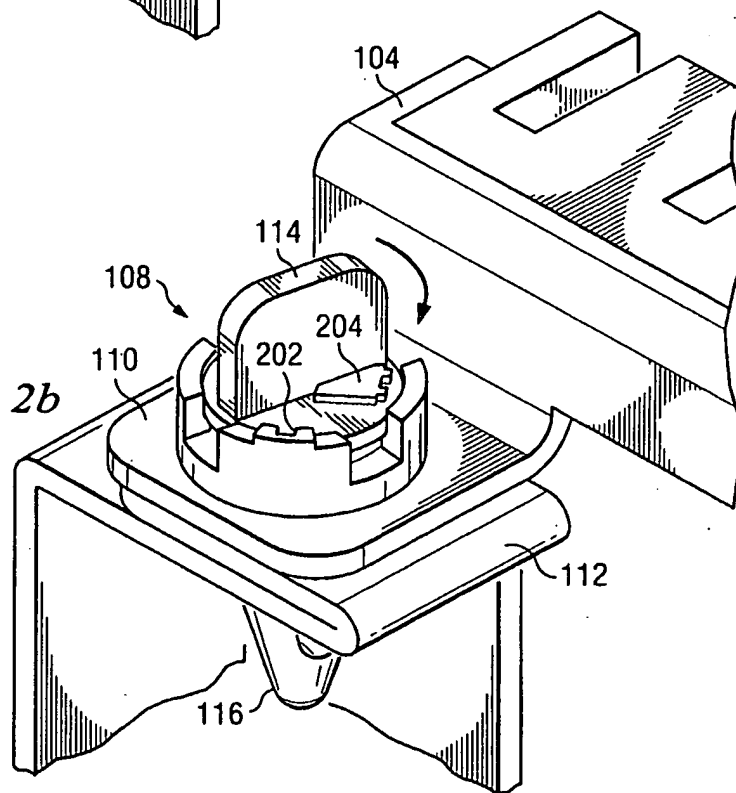


FIG. 2b



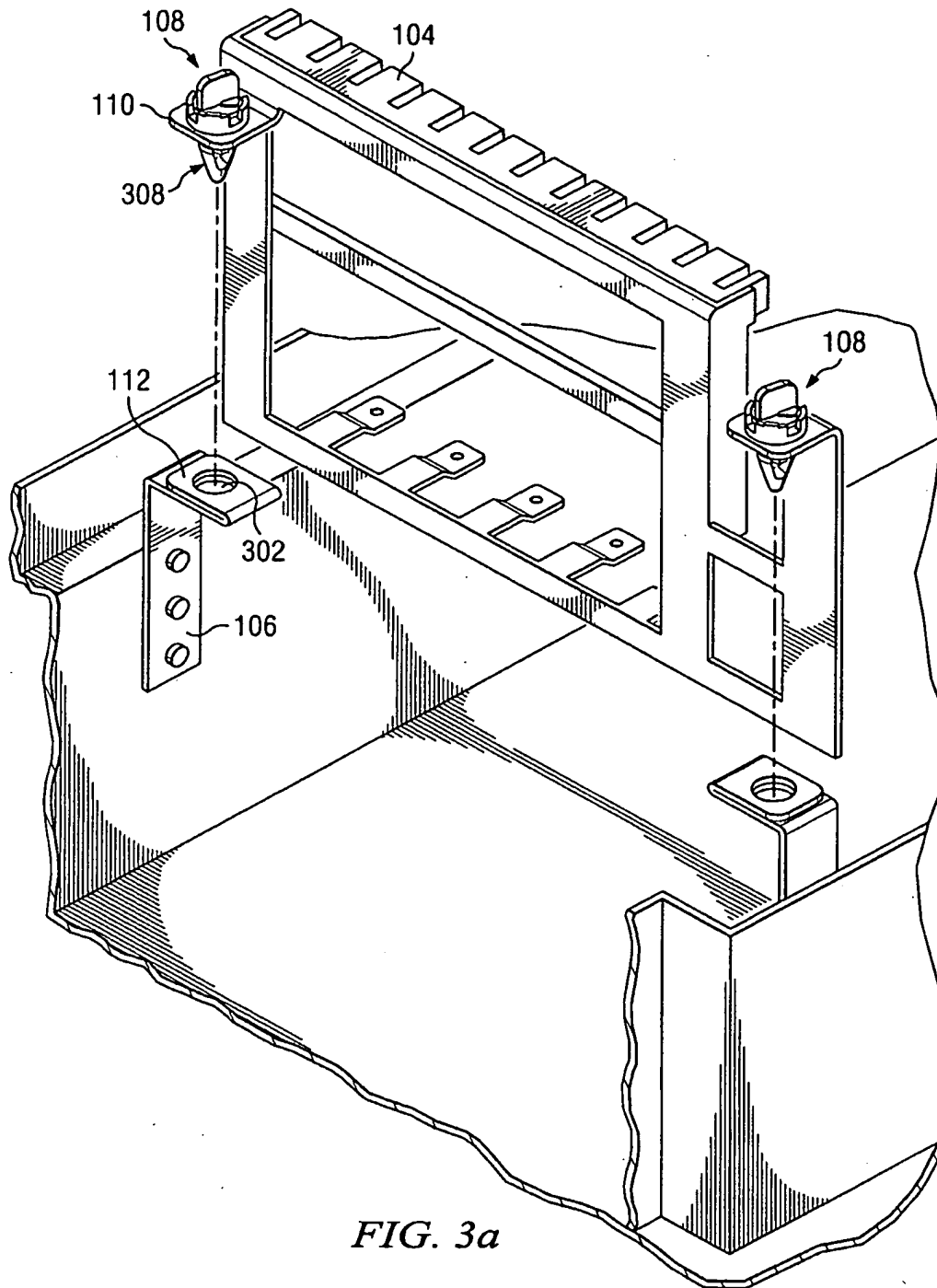


FIG. 3a

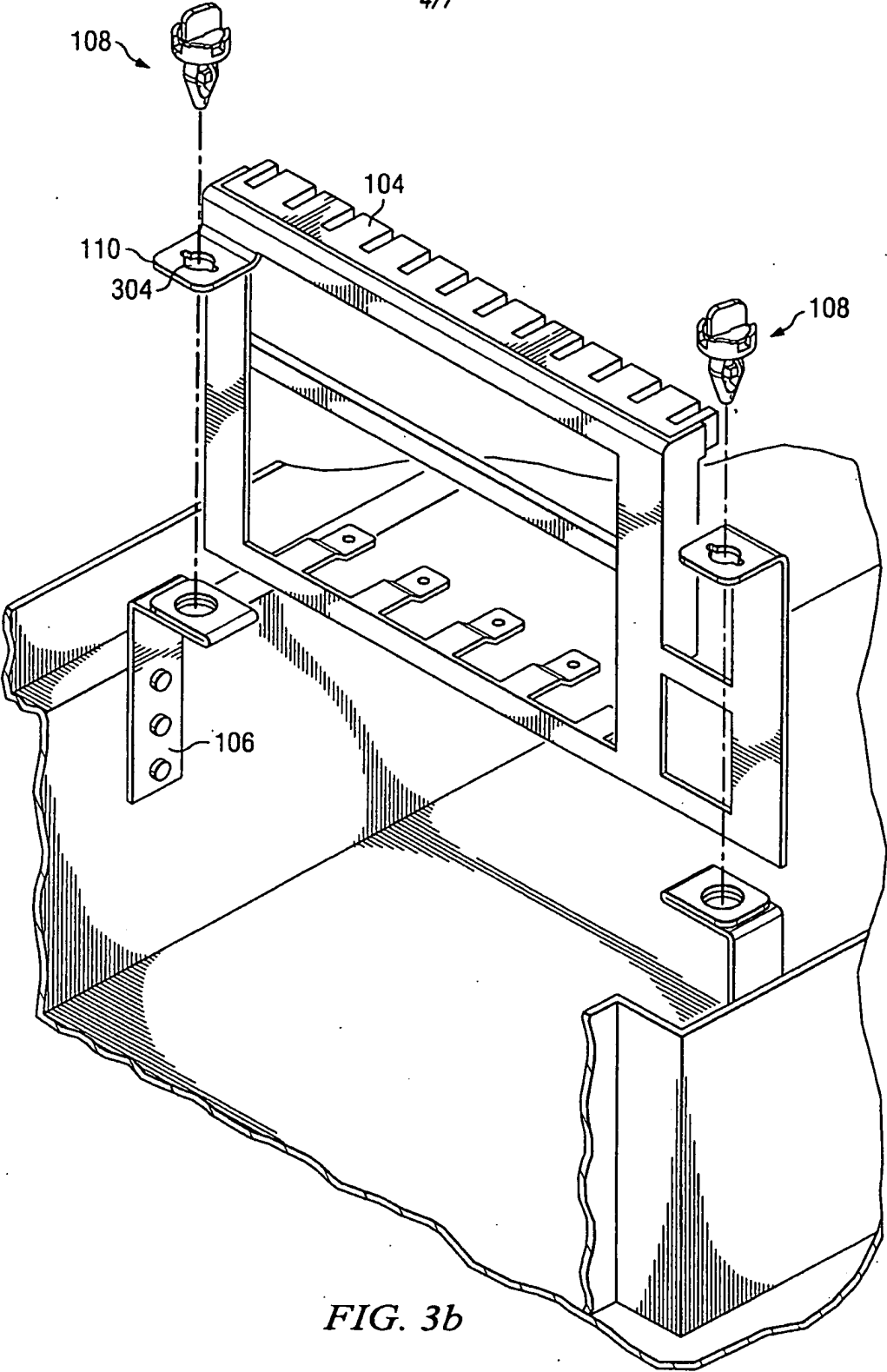
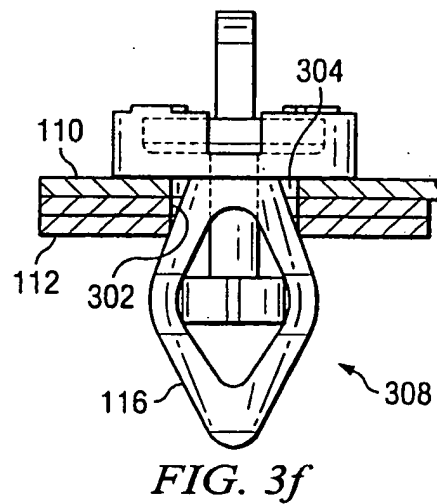
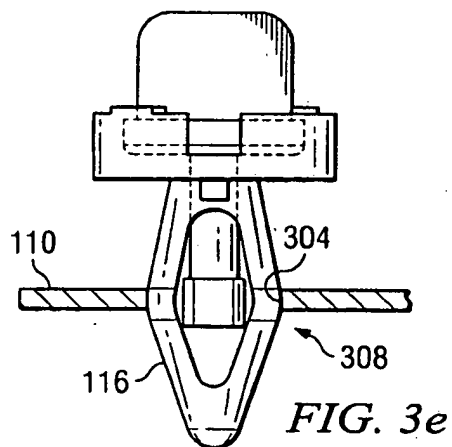
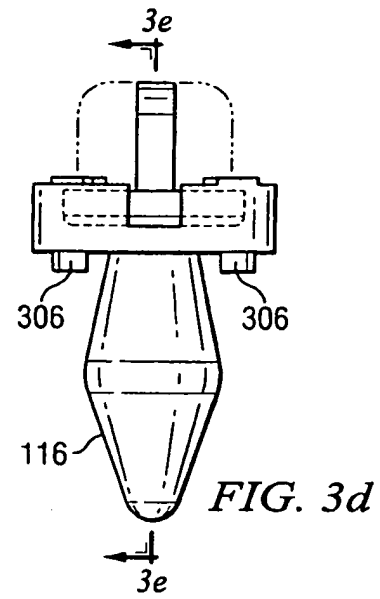
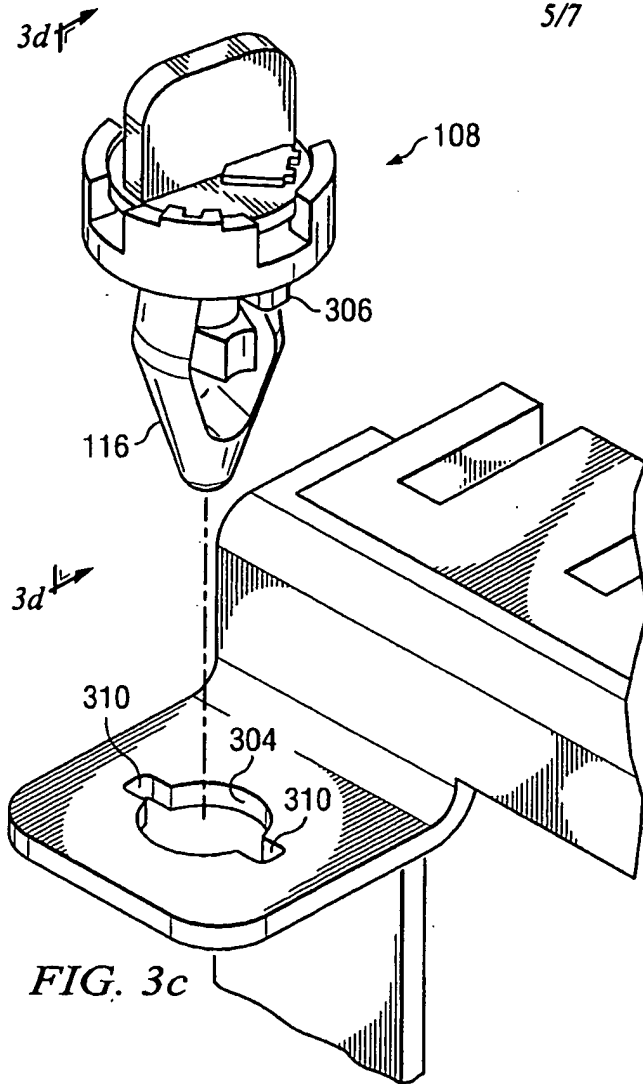


FIG. 3b

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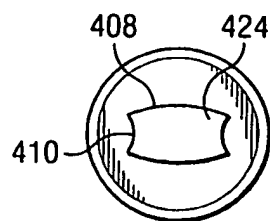
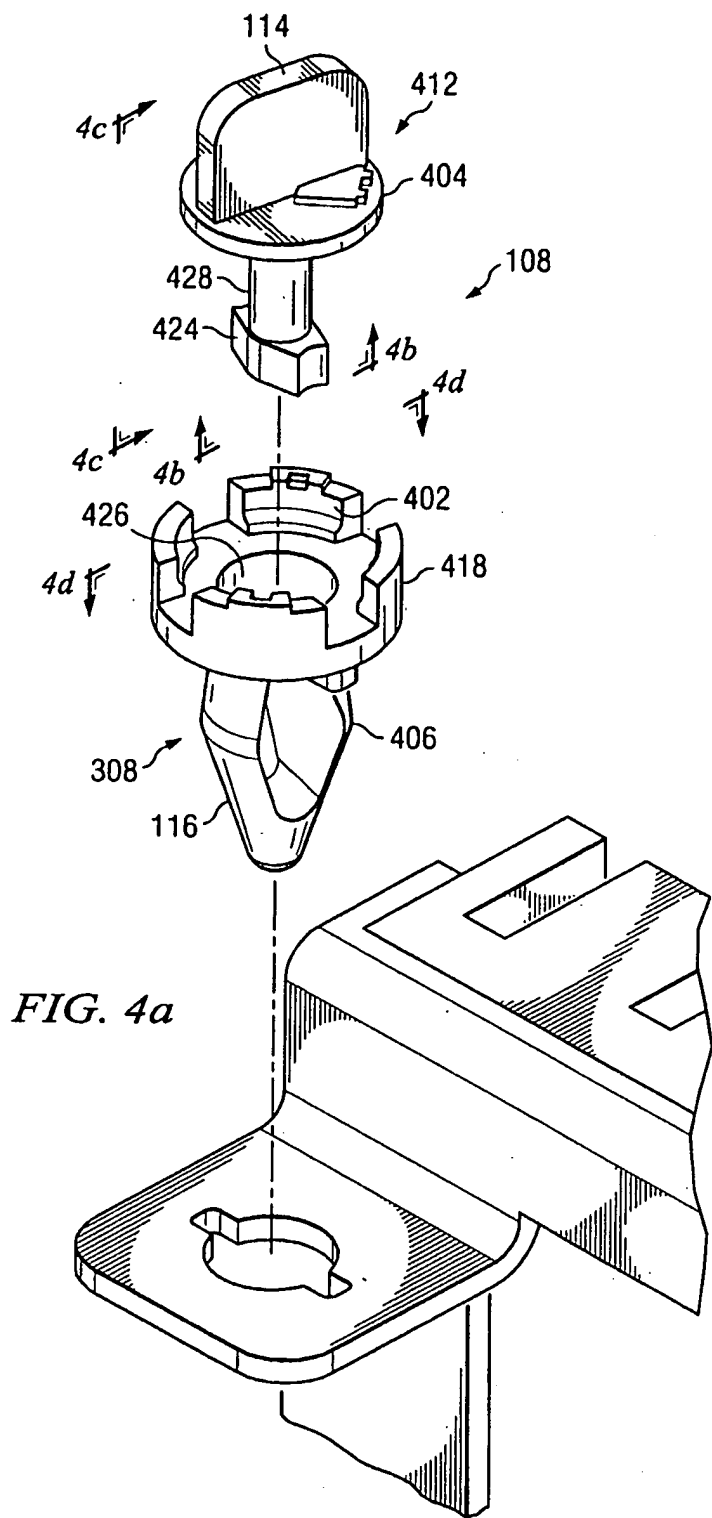


FIG. 4b

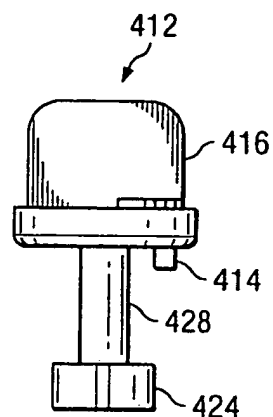


FIG. 4c

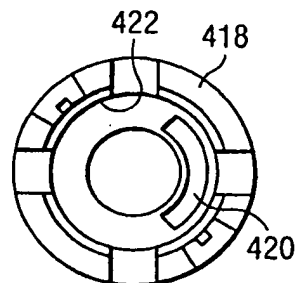


FIG. 4d

FIG. 5a

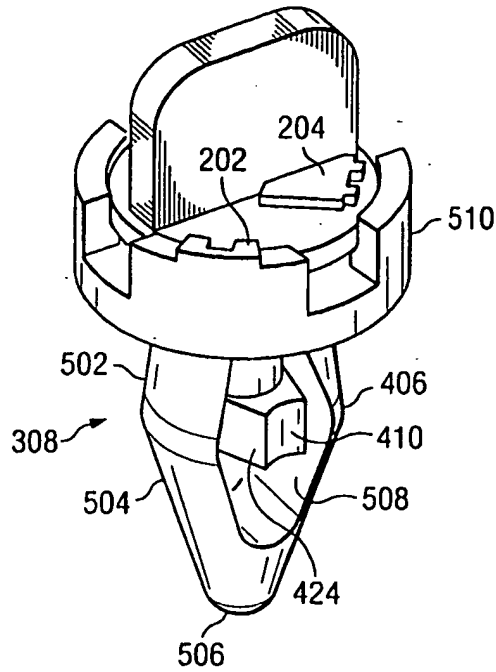


FIG. 5b

